



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-00695NS

Friday August 1, 2003

NON STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

ISP-PDR-20030718-00021 P

360 Networks (USA) Inc.

Petition for Declaratory Ruling

360networks (USA) inc. (360networks or Petitioner), requests that the Commission find permissible indirect foreign ownership of 360networks in excess of the 25 percent benchmark of Section 310(b)(4) of the Communications Act of 1934, as amended. This request is filed in connection with an application for 94 common carrier microwave stations and 25 local multipoint distribution service licenses to be acquired from Touch America, Inc. (debtor-in-possession) pursuant to an Asset Purchase Agreement between the parties. See Domestic Section 214 Application Filed for Acquisition of Assets of Touch America, Inc. by 360NETWORKS (USA) Inc., WC Docket No. 03-150, Public Notice, DA 03-2220 (rel. July 7, 2003).

Petitioner states that 360networks, a U.S. company, is a wholly owned subsidiary of 360networks holdings (USA) inc. (360networks holdings), a U.S. company. 360networks holdings is in turn owned as follows: 360networks Corporations (82 percent equity/voting interest), and 360networks (CDN fiber) Ltd. (360networks ltd.) (18 percent equity/voting interest). Petitioner states that 360networks Ltd. is in turn wholly owned by 360networks Corporation, which results in 360networks Corporation holding a 100 percent indirect interest in the U.S. licensee. According to Petitioner, all of the equity and voting interests in 360networks currently are held by Canadian and United States citizens or by entities that have their principal place of business in Canada or the United States. Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the "home market" of each of the named foreign investors is Canada which is a Member of the World Trade Organization

SCL-MOD-20030701-00019 P

Brasil Telecom of America Inc.

Modification

Application seeking to modify the Cable Landing License granted in SCL-LIC-19961026-00001 to add the new pro forma condition in 47 C.F.R. Section 1.767(g)(7) as an amendment to para. 22(5) of the Cable Landing License for the BUS-1 Cable.

SCL-MOD-20030701-00020 P

Brasil Telecom of America Inc.

Modification

Application seeking to modify the Cable Landing License granted in SCL-LIC-19961026-00001 to substitute the new no special concessions condition in 47 C.F.R. Section 1.767(g)(5) for the no exclusive arrangements condition in para. 22(4) of the Cable Landing License for the BUS-1 Cable.

SCL-MOD-20030701-00021 P

Brasil Telecom of America Inc.

Modification

Application seeking to modify the Cable Landing License granted in SCL-LIC-19990602-00010 to add the new pro forma condition in 47 C.F.R. Section 1.767(g)(7) as an amendment to para. 19(5) of the Cable Landing License for the Atlantic-1 Cable System.

SCL-MOD-20030701-00022 P

Brasil Telecom of America Inc.

Modification

Application seeking to modify the Cable Landing License granted to SCL-LIC-19990602-00010 to add the new no special concessions conditions in 47 C.F.R. Section 1.767(g)(5) for the no exclusive arrangements condition in para 19(4) of the Cable Landing License for the Atlantica-1 Cable System.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.